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Box 5  
SEA  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5051-445  
DATE: July 24, 2001

Jc973 U. S. PTO  
09/912/01  
07/24/01

UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR 1.53(b))

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, DC 20231

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is:

a patent application  
 a Continuation  a Divisional  a Continuation-in-Part (CIP) Application of prior application no.: \_\_\_\_\_; filed \_\_\_\_\_, the disclosure of which is hereby incorporated herein by reference in its entirety.  
 and claims the benefit of U.S. Provisional Application No. 60/220,854, filed July 26, 2000 and U.S. Provisional Application No. 60/252,206, filed November 21, 2000.

\*Inventor(s) or Application Identifier:

**James W. Moyer**, 213 Lochside Drive, Cary, North Carolina 27695  
**Elizabeth Parks**, 501 McKenzie Ct., Stoney Creek, NC 27377

Entitled: **IDENTIFICATION OF POINSETTIA CULTIVARS**

Correspondence Address:



20792

PATENT TRADEMARK OFFICE

Enclosed are:

- Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
- 67 pages of Specification (including 69 claims)
- 3 sheets of Formal Drawings (35 USC 113)
- Oath or Declaration
  - newly executed (*original or copy*)
  - copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 5 Below])
  - DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
- Application Data Sheet. See 37 CFR 1.76
- Incorporation By Reference (*useable if box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- Microfiche Computer Program (*Appendix*)

8.  Assignment papers (*cover sheet(s) and document(s)*)  
 9.  Applicant claims small entity status. See 37 CFR 1.27.  
 10.  Information Disclosure Statement, PTO-1449, and \_\_\_\_\_ references cited  
 11.  Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)  
 12.  English Translation Document  
 13.  Certified Copy of Application No. ; Filed  
 14.  Sequence Listing/ Sequence Listing Diskette
 

- a.  computer readable copy
- b.  paper copy
- c.  statement in support

 15.  An Associate Power of Attorney  
 16.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)  
 17.  Other: **Letter: Application filed under 1.41(c)**

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate	Large Entity Rate
<b>BASIC FEE</b>			\$355.00	\$710.00
<b>TOTAL CLAIMS</b>	<b>69 - 20 =</b>	<b>49</b>	x 09 = \$	x 18 = \$882.00
<b>INDEP CLAIMS</b>	<b>15 - 3 =</b>	<b>12</b>	x 40 = \$	x 80 = \$960.00
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 135 = \$	+ 270 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$2,552.00

A check in the amount of \$ to cover the filing fee is enclosed.  
 A check in the amount of \$ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).  
 Please charge my Deposit Account No. 50-0220 in the amount of \$ .  
 The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:  
 a.  Additional filing fees under 37 CFR 1.16 for presentation of extra claims.  
 b.  Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

  
 Sorojini J. Biswas  
 Registration No. 39,111

**CERTIFICATE OF EXPRESS MAILING**

Express Mail Label No. **EL733092865US**

Date of Deposit: **July 24, 2001**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: BOX PATENT APPLICATION, Commissioner for Patents, Washington, DC 20231.

  
 Meredith Schuessler

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Moyer et al.  
Serial No. To be assigned  
Filed: Concurrently herewith  
For: IDENTIFICATION OF POINSETTIA CULTIVARS

Date: July 24, 2001

BOX PATENT APPLICATION

Commissioner for Patents  
Washington, DC 20231

APPLICATION FILED UNDER 37 CFR 1.41(c)

Sir:

The above-identified application is being filed on behalf of the inventors,

**James W. Moyer**, resident of 213 Lochside Drive, Cary, North Carolina 27695; and  
**Elizabeth Parks**, resident of 501 McKenzie Ct., Stoney Creek, NC 27377, under the  
provisions of 37 CFR 1.41(c). A Declaration and Power of Attorney from the inventors will  
follow, 37 CFR 1.63.

Respectfully submitted,



Sorajini J. Biswas  
Registration No. 39,111

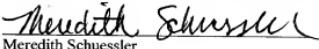
Myers Bigel Sibley & Sajovec  
P.O. Box 37428  
Raleigh, NC 27627  
Tel (919) 854-1400  
Fax (919) 854-1401

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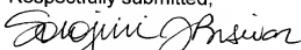
**STATEMENT IN SUPPORT OF FILING A  
SEQUENCE LISTING UNDER 37 CFR § 1.821(f)**

Sir:

Applicants hereby submit a paper copy of a Sequence Listing in the form of pages numbered 1 through 20. These pages contain the Sequence Listing required by 37 C.F.R. § 1.821(c) for nucleotide and peptide sequences described in the specification. The sequences are also provided on computer diskette in a computer readable form as required by 37 C.F.R. §§ 1.821(e) and 1.824.

I hereby state as required by 37 C.F.R. § 1.821(f) that the content of the paper copy of the Sequence Listing and the computer readable copy are the same.

Respectfully submitted,

  
Sorjini J. Biswas  
Registration No. 39,111

Myers Bigel Sibley & Sajovec  
PO Box 37428  
Raleigh NC 27627  
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Meredith Schuessler